

## Message Text

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ACTION ARA-20

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NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

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R 031240Z APR 74

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 2565

INFO AMCONSUL RECIFE

AMCONSUL RIO DE JANEIRO

AMCONSUL SAO PAULO

C O N F I D E N T I A L SECTION 1 OF 2 BRASILIA 2232

E.O. 11652: GDS

TAGS: PINT BR

SUBJECT: THE PINTO AFFAIR: REACTIONS AND REPERCUSSIONS

REF: BRASILIA 2148

SUMMARY: CONTACTS WITH CONGRESSIONAL SOURCES, WITHIN BOTH THE GOVERNMENT ARENA PARTY AND THE OPPOSITION MDB, INDICATE THAT MAJORITY OPINION WITHIN CONGRESS HOLDS THE PINTO SPEECH TO HAVE BEEN NOT ONLY UNWISE AND UNWELCOME BUT ALSO A DIRECT PROVOCATION OF THE GEISEL GOVERNMENT. ALTHOUGH EVIDENCE FIRMLY INDICATES THAT PINTO ACTED INDEPENDENTLY IN MAKING HIS SPEECH, THE MDB "AUTENTICO" WING HAS NOW ISSUED A MANIFESTO SUPPORTING PINTO, AND AUTENTICOS WILL UNDOUBTEDLY TAKE UP THE CUDGELS IN CONGRESS IN THE NEXT FEW DAYS IN DEFENSE OF PINTO'S RIGHTS OF EXPRESSION. PINTO MAY NOT BE THE ONLY VICTIM OF THIS EPISODE--ACCORDING TO AT LEAST SOME SOURCES, MAJORITY LEADER CELIO BORJA'S REPUTATION WILL SUFFER FROM THE GOVERNMENT'S ACTION AGAINST PINTO, AND THE EXISTENCE OF THE SO-CALLED "FALCAO PLAN" FOR REVALIDATION OF THE ROLE OF CONGRESS HAS BEEN CALLED SEVERELY INTO QUESTION. THE GREATEST CONCERN IS THAT THE INCIDENT MAY DETERIORATE INTO SOMETHING ANALOGOUS TO THE MOREIRA ALVES CASE OF 1968 WHEN

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THE CONGRESS WAS DISSOLVED. END SUMMARY.

1. ACCORDING TO SOURCES WITHIN CONGRESS, MDB DEPUTY FRANCISCO PINTO ACTED INDEPENDENTLY IN MAKING HIS MARCH 14 SPEECH AGAINST THE CHIEF OF THE CHILEAN JUNTA, GENERAL PINOCHET. THE OFFICIAL STENOGRAPHIC VERSION OF SPEECH WAS IMMEDIATELY DELIVERED BY THE OFFICIAL STENOGRAPHER TO PAULO AFFONSO MARTINS, SECRETARY-GENERAL OF THE PRESIDENCY OF THE CHAMBER OF DEPUTIES (THIS IS THE NORMAL PROCEDURE FOR ANY SPEECH THOUGHT TO BE "HOT", I.E., HAVING CONTENT OBJECTIONABLE TO THE GOVERNMENT). AFFONSO THEN CALLED IN PINTO TO DISCUSS MODIFYING THE SPEECH FOR THE OFFICIAL RECORD. PINTO DECLINED. WHEN THE SITUATION WAS BROUGHT TO ATTENTION OF THE PRESIDENT OF THE CHAMBER, FLAVIO MARCILIO, THE DECISION WAS TAKEN TO WITHHOLD PUBLICATION OF THE OFFICIAL RECORD UNTIL AFTER THE DEPARTURE OF PINOCHET. ALTHOUGH THIS WAS DONE, JOURNALISTS HAD ALREADY GOTTEN WIND OF THE CONTENTS OF THE SPEECH, AND PINTO HAD ALREADY DISTRIBUTED COPIES OF IT TO HIS BAHIAN CONSTITUENCY. THUS, WHEN THE SPEECH WAS PUBLISHED IN THE OFFICIAL RECORD THE GOVERNMENT HAD NO CHOICE BUT TO TAKE OFFICIAL NOTICE. ACCORDING TO AFFONSO, WHO IS AN EXCELLENT SOURCE, PRESIDENT GEISEL REACTED WITH FURY TO THE PINTO SPEECH AND HIS FIRST IMPULSE WAS TO ORDER PINTO'S CASSATION. ACCORDING TO AFFONSO, GEISEL RELENED ONLY AFTER HIS PRINCIPAL CONFIDANTE, GENERAL GOLBERI, ASSISTED BY MINISTER OF JUSTICE FALCAO, STRONGLY COUNSELED A MODERATE RESPONSE.

2. FALCAO THEN ORDERED THE FEDERAL PROSECUTOR TO BRING CHARGES AGAINST PINTO IN THE SUPREME COURT, AND SO INFORMED FLAVIO MARCILIO. MARCILIO IMMEDIATELY BEGAN TO TAKE STEPS TO LIMIT ANY DAMAGE TO CONGRESS AS AN INSTITUTION AND SETTLED UPON A PUBLIC FORMULA WHICH, WHILE NOT CONDEMNING PINTO, HOLDS HIS ACTION TO HAVE BEEN THE EXPRESSION OF AN INDIVIDUAL, NOT INVOLVING THE CONGRESS, THUS SUPPORTING THE THESIS THAT THE GOVERNMENT'S ACTION AGAINST THAT INDIVIDUAL SHOULD NOT BE SEEN AS AN ACTION AGAINST THE CONGRESS. MARCILIO STATED THAT PINTO "IS RESPONSIBLE FOR HIS OWN ACTS, AND MUST ACCEPT THE RISKS AND CONSEQUENCES OF HIS ATTITUDE, WHICH IS THAT OF AN INDIVIDUAL." MARCILIO WAS JOINED BY NEW MAJORITY LEADER CELIO BORJA, WHO, SPEAKING CONFIDENTIAL

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AS GOVERNMENT LEADER, DENOUNCED THE PINTO SPEECH AS CONTAINING "NOT CRITICISMS TO BE PARRIED, BUT ONLY INSULTS TO BE RESPONDED TO. AND THE PROPER RESPONSE TO THESE INSULTS IS THE JUDICIAL PROCESS."

3. AS REPORTED BY THE NEWSPAPERS, AND AS REVEALED IN PERSONAL CONTACTS BY EMBASSY OFFICERS, CONGRESSMEN HAVE VARIOUSLY DESCRIBED PINTO AS BEING "A DAMNED FOOL" AND AN

"IRRESPONSIBLE IDEOLOGUE"; ONE MEMORABLE REACTION WAS, "IF YOU THROW UP ROCKS, SOME ARE BOUND TO FALL ON YOUR OWN HEAD." DESPITE THIS MAJORITY REACTION, HOWEVER, THE MDB MINORITY HAS EXPRESSED ITS SOLIDARITY WITH PINTO, AND THE MDB AUTENTICOS HAVE ISSUED A COMMUNIQUE DEFENDING PINTO'S RIGHT TO EXPRESS HIS OPINION AND CONDEMNING THE GOVERNMENT'S CLAIM TO BE PURSUING PINTO BY "LEGAL MEANS" AS OUTRIGHT HYPOCRISY DESPITE THE FACT THAT MANY PRIVATELY DEPLORE PINTO'S ACTION.

4. COMMENT: THERE IS NO INDICATION THAT PINTO ACTED IN COMPANY, NOR EVEN THAT HE HAD CONSIDERED THE POSSIBLE REPERCUSSIONS OF HIS ACTIONS; QUESTIONED BY A REPORTER ON THIS POINT, PINTO REPORTEDLY SAID, "IN TIMES LIKE THOSE (I.E., ADDRESSING THE CONGRESS) ONE ALWAYS FORGETS THAT THERE IS A NATIONAL SECURITY LAW." HIS FIREY SPEECHES HAVE GOTTEN HIM INTO DIFFICULTIES BEFORE, HOWEVER, AND HE HAS EARNED A REPUTATION AS SOMETHING OF A RADICAL AND ECCENTRIC. EVEN WITHIN THE SPLINTER GROUP OF AUTENTICOS, HE IS A MINOR FIGURE. BUT THE PINTO AFFAIR HAS DEEPLY TROUBLED THE CHAMBER OF DEPUTIES. ALTHOUGH THE MAJORITY OF CONGRESSMEN APPEAR TO BELIEVE THAT PINTO'S ACTION WAS FOOLISH, AND THE GOVERNMENT'S RESPONSE INEVITABLE, THE ATMOSPHERE IS CLEARLY ONE OF TENSION AND CONCERN THAT HOWEVER UNWANTED BY EITHER SIDE, PINTO'S ACTION HAS BROUGHT THE CONGRESS AND THE PRESIDENCY INTO CONFLICT BEFORE EITHER SIDE HAS HAD THE OPPORTUNITY TO EXPLORE WITH THE OTHER THE ATTAINMENT OF A MODUS VIVENDI.

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C O N F I D E N T I A L SECTION 2 OF 2 BRASILIA 2232

5. THE GOVERNMENT'S ACTION IS GENERALLY TAKEN AS CONSTITUTING A RESTRAINED RESPONSE TO PROVOCATION. THE FEAR OF RESPONSIBLE LEGISLATIVE LEADERS IS THAT THERE WILL BE A NATURAL TENDENCY FOR A NUMBER OF LEGISLATORS TO CLOSE RANKS BEHIND ONE OF THEIR OWN REGARDLESS OF IDEOLOGY SIMPLY AS A REFLEX OF THEIR ROLES AS MEMBERS OF THE LEGISLATIVE BRANCH. AN EQUALLY NATURAL REACTION ON THE PART OF THE HARDLINERS IS ANTICIPATED IN THAT THEY WILL CHARGE THE GOVERNMENT WITH BEING TOO SOFT IN DEALING WITH WHAT THEY WOULD CONSIDER A DESPICABLE POLITICAN AND, BY EXTENSION, AN EXAMPLE OF THE POLITICAL CLASS. THE AIRING OF THE CASE IN THE COURT COULD EXACERBATE THE ISSUE, A POINT CLOVIS STENZEL HAD IN MIND WHEN HE PUBLICLY STATED THAT PINTO SHOULD HAVE BEEN CASSATED UNDER AI-5. AN ADDITIONAL COMPLICATING FACTOR IS THE MOVE BY DEPUTY ETELVINO LINS, WHO, FOR REASONS NOT YET CLEAR, HAS BEGUN A CAMPAIGN AGAINST MARCILIO ACCUSING HIM OF COMPLICITY FOR NOT HAVING CENSORED PINTO'S SPEECH IN THE OFFICIAL RECORD.

6. OTHERS DIRECTLY AFFECTED BY THE AFFAIR ARE MAJORITY LEADER CELIO BORJA AND THE SO-CALLED FALCAO PLAN FOR DIALOGUE BETWEEN THE GOVERNMENT AND THE LEGISLATURE. BORJA AS MAJORITY LEADER WAS SEEN AS A DEPARTURE FROM CONFIDENTIAL

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PREVIOUS PRACTICE IN THAT HE WOULD BE REPRESENTING THE MOOD OF THE CONGRESS TO THE PRESIDENCY RATHER THAN CONVEYING THE PRESIDENCY'S INSTRUCTIONS TO THE CONGRESSIONAL RANK AND FILE. THE FACT THAT HE HAS HAD TO CONDEMN PINTO'S SPEECH IN THE NAME OF THE ARENA PARTY LEADERSHIP HAS RAISED THE IMAGE IN SOME LEGISLATORS' EYES OF A REVERSION TO THE ROLE PLAYED BY HIS PREDECESSOR (NOT COMPLETELY FAIR SINCE BORJA'S STATEMENT WAS MADE AFTER AND IN RESPONSE TO THE STRONG DECLARATION BY THE MDB). FALCAO'S ACTION IN DIRECTING THAT PINTO BE TRIED, AND HIS PUBLIC DECLARATION (REFTEL THAT BRAZIL DID NOT NEED "DECOMPRESSION," HAS BROUGHT TO THE FORE THAT ESTIMATE OF HIS PERSONALITY WHICH DESCRIBES HIM AS A MALLEABLE MAN WITHOUT FIXED PRINCIPLES AND CONVICTIONS OF HIS OWN, AND HAS DEFLATED THE EUPHORIA AMONG THE POLITICIANS THAT GREETED HIS NOMINATION AS MINISTER OF JUSTICE.

7. THE GREATEST CONCERN ON THE PART OF A NUMBER OF LEGISLATORS IS THAT THE PRINCIPAL VICTIM OF THE PINTO AFFAIR NOT TURN OUT TO BE THE CONGRESS AS AN INSTITUTION. COMPARISONS ARE ALREADY BEING MADE BETWEEN THE PINTO EPISODE AND THAT OF MARIO MOREIRA ALVES, WHICH RESULTED IN THE

CLOSURE OF THE CONGRESS IN 1968. MEMORIES OF THAT EVENT ARE TOO RECENT TO DISMISS THE POSSIBILITY THAT A SIMILAR OUTCOME MIGHT ENSUE, THOUGH THIS APPEARS A REMOTE POSSIBILITY AS YET. THE PINTO AFFAIR DOES, HOWEVER, DEMONSTRATE THAT ATTEMPTS TO INCREASE THE BRAZILIAN CONSENSUS AND TO ESTABLISH A MORE CONCILIATORY APPROACH TO THE POLITICIANS COULD EASILY FOUNDER IN THE CURRENTLY FRAGILE POLITICAL ATMOSPHERE AS A RESULT OF INCIDENTS BEYOND THE CONTROL OF EITHER THE EXECUTIVE OR OF LEADERS OF THE POLITICAL CLASS.

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